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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,788	02/20/2002	Shell S. Simpson	10007663 -1	1113

7590 01/26/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

HANNE, SARA M

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/080,788	SIMPSON ET AL.	
Examiner	Art Unit		
Sara M Hanne	2179		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 20 February 2002.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-24 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 20 February 2004 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/20/02.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Fitzsimons et al., US Patent Publication 2003/0034991, hereinafter Fitzsimons.

As in Claims 1 and 9, Fitzsimons teaches a method, system and server computer, comprising providing a web client computer connected to a network (Fig. 10-11 and corresponding text); providing the web client computer an interface access to a plurality of electronic images; receiving, at the web client computer, web content from a remote web server connected to the network; and wherein the web content enables the web client computer, in response to user input, to select images from the plurality of images and to create a composite image from the selected images (Pg. 1, Par. 6 and 29).

As in Claims 2 and 10, Fitzsimons teaches the web content enables the web client computer to display a first graphical user interface for enabling a user of the client computer to provide the user input (Fig. 10-11 and corresponding text).

As in Claims 3 and 12, Fitzsimons teaches receiving the user input at the client computer and responding to the user input at the client computer by creating the composite image (Pg. 3, Par. 48).

As in Claims 4 and 11, Fitzsimons teaches receiving, at the web client computer, second web content from a second remote server connected to the network and wherein the second web content enables the web client computer, in response to second user input, to convert the composite image into a print job and to then transmit the print job to a particular printer connected to the network (Pg. 3, Par. 53, standard toolbar also has print icon Fig 7, Ref. 90).

As in Claim 5, Fitzsimons teaches receiving, at the web client computer, second web content from a second remote server connected to the network and wherein the second web content enables the web client computer to process the composite image (Pg. 3, Par. 53, standard toolbar also has print icon Fig 7, Ref. 90).

As in Claim 6, Fitzsimons teaches the second web content enables the web client to display a second graphical user interface for enabling the user to provide the second user input (standard toolbar Figure 7).

As in Claim 7, Fitzsimons teaches receiving the second user input at the web client computer, responding the second user input at the client computer by converting the composite image into a print job and then transmitting the print job to the printer over the network (Pg. 3, Par. 53 standard toolbar also has print icon Fig 7, Ref. 90).

As in Claim 8, Fitzsimons teaches the first graphical user interface and the second graphical user interface each includes a web page (Figures 7-11 and corresponding text and Pg. 2, Par. 29).

As in Claim 13, Fitzsimons teaches the network being the public Internet (Pg. 1, Par. 28, "the Internet 14").

As in Claim 14, Fitzsimons teaches the first web server provides the first web content to the client by transmitting over the network using an http protocol (Pg. 2, Par. 29).

As in Claim 15, Fitzsimons teaches a Web server computer, comprising an interface for receiving a request from a web client over a network and a mechanism for responding to the request by transmitting web content, over the network, to the web client (Pg. 1, Par. 6 and 29) and wherein the web client computer has access to a plurality of electronic images (Pgs. 2-3, Par. 44-47) wherein the web content enables the web client to, in response to first user input, select images from the plurality of electronic images (Pg. 3, Par. 48) and wherein the web content enables the web client computer to, in response to second user input, create a composite image from the selected images (Pg. 3, Par. 48, et seq.).

As in Claim 16, Fitzsimons teaches the web content causes the web client computer to display a user interface that enables a user of the web client computer to provide the first and the second user input (Figures 7-11 and corresponding text and Pg. 2, Par. 29).

As in Claim 17, Fitzsimons teaches the request is addressed to a URL assigned to the web content (Pgs. 1-2, Par. 29 and drawings).

As in Claim 18, Fitzsimons teaches A computing device, comprising: means for receiving a request from a web client computer over a network, the request address to a pre-determined URL (Pgs. 1-2, Par. 29) and means for responding to the request by transmitting a program of instructions to the web client computer and wherein the program of instructions enables the web client computer to select electronic images and to create a composite image from the selected images (Pg. 1, Par. 6).

As in Claim 19, Fitzsimons teaches the program of instructions is web content (Pg. 1, Par. 28-29).

As in Claim 20, Fitzsimons teaches the network is the Public Internet (Pg. 1, Par. 28, "the Internet 14").

As in Claim 21, Fitzsimons teaches a computer readable medium embodying Web content for causing a Web client computer to perform method steps, the method steps comprising receiving first input from a user that identifies a plurality of electronic images (Pg. 2, Par. 44-46); receiving second input from the user that defines an arrangement of the electronic images (Pg. 2, Par. 48); creating a composite image based upon the first and second input (Pg. 2, Par. 53); and displaying a web page that includes a graphical user interface for enabling the user to provide the first and the second user input (Fig. 11-16).

As in Claim 22, Fitzsimons teaches the web page includes a plurality of thumbnail images each corresponding to a unique one of the plurality of electronic images (Pg. 3, par. 47).

As in Claim 23, Fitzsimons teaches configuring the Web client computer so that when the client computer is running second Web content and a particular user is logged into the client computer, the second Web content can access the composite image by issuing a pre-determined application program interface (API) call (Pg. 3, Par. 59).

As in Claim 24, Fitzsimons teaches wherein the API call is device independent (Pg. 23, Par. 59, et seq.).

***Conclusion***

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar composite image construction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh

BA HUYNH  
PRIMARY EXAMINER